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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,761	03/24/2004	Daniel R. Coward	SUNMP324 / P9667	5906
32291 7590 03/07/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
HUYNH, NAM TRUNG				
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2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,761

Applicant(s)

COWARD ET AL.

Examiner

NAM HUYNH

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13-17, 22-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11, 13-17, 22-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 11/29/2007. Of the pending claims 9-11, 13-17, 22-25, and 27-31, and 33, claims 30, 31, and 33 have been cancelled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-11, 13, 16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari).

Regarding claim 9, Sorvari teaches a system for providing advanced service interaction for a mobile device, comprising:

a user action proxy that detects user actions (page 4, paragraph 59, service recommendation engine), stores user action information in the user information system (page 7, paragraph 87, service history log), and monitors each service subscribed to by the user for a pattern common to at least two services (page 7, paragraph 87, the "pattern common to at least two services" are the services and context stored in the sub

–category “Past Services used” wherein the pattern is the previous usage of the service);

a user information system (service history log) storing user profile information (prestored service preferences) and the user action information based on a particular user (past services used) (page 7, paragraph 87);

a service information system storing service description data describing a plurality of services available to the user (page 6, paragraph 72, metadata);

a ranker filter module that predicts a set of services from the plurality of services that the user is expected to utilize within a predefined period of time based on the user profile information and the user action information stored in the user information system (page 28, paragraph 389, see example and page 5, paragraph 61); and

a renderer that generates a display of the set of services on the mobile device, wherein the renderer displays services of the set of services in a primary, secondary, and tertiary positions on a mobile device display, and wherein the primary positions are most predominate in the mobile device display and the tertiary positions are least predominate in the mobile device display (page 1, paragraph 10, see “the lists may be restricted to a limited amount of entries...**in order (emphasis added)** of frequency of access by the user”, and figure 9I, the recommendations are numbered wherein “Yahoomobile.com” is in the primary/predominant position and “Weatheronline.com” is in the least predominant).

Regarding claim 10, Sorvari teaches the user profile information includes user usage pattern information describing service usage patterns of the user (page 8, paragraph 90).

Regarding claim 11, Sorvari teaches wherein the user profile information includes specific user personal information (page 10, paragraph 120).

Regarding claim 13, Sovari teaches the service description data defines how each service can be presented to a user (page 6, paragraph 72).

Regarding claim 16, Sovari teaches the user action proxy notifies the user of the pattern (page 28, paragraph 389, wherein the pattern would be the time of day).

Regarding claim 17, Sovari teaches a front end system in communication with the renderer, the front end system providing an entry into the system (page 7, paragraph 84).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari) in view of Foldare et al. (US 6,249,815) (hereinafter Foldare).

Regarding claim 22, Sovari teaches a method for creating a presentation for advanced service interaction on a mobile device, the method comprising:

generating a home page display on the mobile device (figures 9H, 9I), wherein the home page display includes a set of services selected from a plurality of services, the set of services selected from the plurality of services according to a prediction about the set of services that a user is expected to utilize within a predefined period of time based on a profile associated with the user (page 4, paragraph 59), at least one service of the set of services being associated with a particular service, wherein the particular service is different from each service of the plurality of services (figure 9H);

accepting signals from a user input device to allow a selection of the at least one service of the set of services, wherein the selection of the at least one service of the set of services facilitates the user interacting with the particular service (page 8, paragraph 94);

storing usage pattern information describing a usage pattern of the particular service in the profile associated with the user (page 4, paragraph 59);

However, Sovari does not explicitly teach generating a query display on the mobile device, wherein the query display is generated based on the usage pattern

information describing the usage pattern of the particular service, the query display prompting the user to add the particular service to the set of services, wherein a confirmation from the user facilitates including the particular service in the set of services displayed in the home page display. Foldare teaches a method and apparatus for building subscriber service profile based on subscriber related data (title). In the scope of the invention, a service optimizer analyzes information indicating how the subscriber uses a service (usage pattern information describing usage pattern of a particular service) (column 9, lines 63-67), queries the subscriber with prompts to confirm or reject alterations to the service data (generating a query display on the mobile device/prompting the user) (column 10, lines 14-31), and notifies the subscriber of implemented service data alterations (confirmation). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sovari to include prompting a user based on usage pattern of a particular service and providing confirmation of any changes, as taught by Foldare, in order to suggest alterations of the list of services for approval or rejection by the subscriber through the terminal. This modification adds flexibility to the mobile device of Sovari in that a user is able to further customize the display of services.

Regarding claim 23, Sovari teaches the profile includes user profile information derived based on previous interactions with services (page 8, paragraph 90).

Regarding claim 24, Sovari teaches the profile includes service usage pattern information describing service usage patterns of the user (page 4, paragraph 59).

Regarding claim 25, Foldare teaches the profile includes specific user personal information (column 3, lines 11-14).

Regarding claim 27, Sovari teaches the service description data defines how each service can be presented to a user (page 6, paragraph 72).

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari) in view of Fano et al. (US 2002/0133545) (hereinafter referred to as Fano).

Sorvari teaches that bookmarks/short-cuts may be generated from metadata (service description data) associated with a particular service site. This metadata is employed to characterize or classify the content on a particular service site. However, does not explicitly teach that this metadata defining how the plurality of services can be aggregated and are accessible to a user in a pooled form. Fano et al. teaches a mobile valet that when utilized in accordance with the invention, can coordinate the delivery of services to create of what is referred to as a "symphonic experience" or "pooled experience". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sorvari to include the capability to utilize the metadata to "pool" services together, in order to enhance the richness of the user's experience to accomplish tasks or utilize available services.

7. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari) in view of

Foldare et al. (US 6,249,815) (hereinafter Foldare) as applied to claim 22 above, and further in view of Fano et al. (US 2002/0133545) (hereinafter referred to as Fano).

The combination of Sorvari and Foldare teaches that bookmarks/short-cuts may be generated from metadata (service description data) associated with a particular service site. This metadata is employed to characterize or classify the content on a particular service site. However, the combination does not explicitly teach that this metadata defining how the plurality of services can be aggregated and are accessible to a user in a pooled form. Fano et al. teaches a mobile valet that when utilized in accordance with the invention, can coordinate the delivery of services to create of what is referred to as a "symphonic experience" or "pooled experience". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sorvari and Foldare to include the capability to utilize the metadata to "pool" services together, in order to enhance the richness of the user's experience to accomplish tasks or utilize available services.

Response to Arguments

8. Applicant's arguments filed 11/29/2007 have been fully considered but they are not persuasive.

Applicant asserts that the bookmarks provided by Sovari are not services on their own, nor do they represent a link to a service. The Examiner respectfully disagrees and asserts that Sovari explicitly teaches that the bookmarks are short-cuts assigned to a particular service (page 6, paragraphs 71, 77, page 8, paragraph 94). Furthermore, a

skilled artisan would recognize that an Internet website is capable of providing a service, i.e. a mapping service or instant messaging service, and the bookmarks are short-cuts to the particular service.

Applicant asserts that Sovari does not teach a renderer that generates a display of the set of services in a primary, secondary, and tertiary positions on a mobile device display. The claim language recites that a "ranker filter module...predicts a set of services from the plurality of services" and that the "renderer...generates a display of the set of services", which refers back to the set of services predicted by the ranker filter module. The Examiner asserts that the limitation implies that the list of services are ordered or weighted, but the claim language merely defines that a **set of services are predicted from a plurality of services (emphasis added)**, which is taught by Sovari on page 6, paragraph 80. Therefore the claim language fails to clearly define a "ranking" of the set of services and how they are displayed. One skilled in the art would recognize that the list of bookmarks taught by Sorvari may be considered as a set of services because it is known in the art that each bookmark is able to direct the user to particular site for receiving service/information. Furthermore, the positioning of the bookmarks on the display of a mobile device (figure 9I, items 800, 909) shows the positioning recited in the claim. Thus, Sorvari teaches the claimed limitation of generating a list of services on the mobile device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
2/26/08

/George Eng/
Supervisory Patent Examiner, Art Unit 2617